

LAW REFORM—NECESSITY FOR A PUBLIC PROSECUTOR.

(From the Morning Chronicle.)

SEVERAL cases which have recently occurred force upon us the important consideration, how far the agency of voluntary societies in the initiation and conduct of prosecutions ought to be tolerated or encouraged. Our ancestors had, as we know, a very decided opinion on the subject. They held that although, from the poverty or weakness of the party aggrieved, wrong might, in individual cases, remain unredressed if he were compelled to rely exclusively upon his own resources, yet the State was deeply concerned to repress vexatious litigation; and consequently, except in certain very special cases, no man was permitted to make himself a party to quarrels in which he had no immediate and personal concern. They legislated with due vigour against champerty, barratry, and maintenance, under which uncouth appellations they included various descriptions of unauthorised interference in legal proceedings. It may be supposed, however, that the legal fiction by which the Queen is the prosecutor in criminal cases, possessed in ancient times a reality which it has since lost. The legal form still remains, as a standing evidence that, while individuals may safely be left to deal with civil rights as they please, the State is bound to undertake the duty of detecting and punishing guilt. It cannot be necessary for us to enter into a discussion of the principles or limits of the "social compact" invented by philosophic politicians to solve the difficulties which arise when any problem of intricacy and importance raises the old question as to the origin and duties of Government. For our present purpose, it is enough to say that, whether this happy fiction, or the utterly untenable theory of patriarchal and hereditary jurisdiction, be admitted as the foundation of civil society, there is no function more obviously devolving on the community, or its rulers, than that of protecting the honest and well disposed against the aggressions of crime, and of chastising those who, by the wrongs they have done to individuals, have constituted themselves the enemies of the Commonwealth. It will at once be perceived that we look to the appointment of a Public Prosecutor as the only escape from a very painful dilemma in which we are placed by our present system; and as the cases we have adverted to afford a good illustration of the difficulties by which each side of the question is embarrassed, it will be well to refer to them a little more in detail. We feel it the more necessary to do so, because the observations made by the Assistant-Judge, Mr. Sergeant Adams, though possessing very considerable force, do not seem to us to go to the root of the matter, and ought not, therefore, to be received without due qualification.

It appears, that, at the Middlesex Sessions, two persons were tried for indecent assaults upon females, and that, in one case, the prosecution broke down, while in the other a verdict of not guilty was at once returned by the jury. In both instances, instructions had been given, and counsel retained, on behalf of a society which designated itself the "Associate Institute for the Protection of Women;" and there was no reason to suppose that the parties aggrieved, or their relatives, had in any way authorised or sanctioned the proceedings. On this state of facts, the Assistant-Judge deemed it his duty to make some very severe remarks. Alluding to a case which had come before him on a previous occasion, he styled the present prosecution, "if possible, more disgusting" than the preceding one, and said that if such interference were tolerated, no man would be safe from the accusations of the vindictive. He broadly obtained from the parties, the solicitor engaged for the society would have rendered himself liable to an indictment; and he then proceeded to instruct the jury, without, so far as appears, a shadow of foundation—so far as the prosecution had been undertaken merely for the sake of costs, which, in order to afford practical evidence of his disapprobation, he announced his intention of withholding from all parties except a medical witness. In short, the learned Judge was moved to a state of exceeding indignation; and—if we may judge of the general conduct of those with whom he has to deal from the very discreditable scene which occurred the next day—we can well believe that his temper must be so often and so severely tried as to render an occasional fit of irritation by no means inexcusable.

We shall offer a few comments of our own on the facts we have stated, but before doing so we will advert to another case which occurred at the Central Criminal Court in Friday last. The prosecution was in the instance, undertaken by the "Commercial Credit Mutual Assurance Society"—an association established for the purpose of indemnifying its members from loss by bad debts. The charge against the defendants was, that by false allegations they had endeavoured to establish an unfounded claim against the fund of the institution, and it was clearly shown that misrepresentations had been resorted to; but the existence of a criminal intent was not proved, and the defendants were, under the Recorder's direction, at once acquitted by the jury. We do not doubt the correctness of the verdict, and it is unnecessary for us to enter into the particulars of the case, because they are not relevant to our present purpose, which is simply to show that, in civil as well as criminal cases, the spirit of the ancient legislation to which we have alluded is set at naught or evaded. It is not to be imagined that the State can assume duties such as those undertaken by the society just mentioned, and we do not perceive any obvious danger of its machinery or resources being employed for improper purposes; but, where criminal prosecutions are contemplated, the case is obviously very different.

We have now to notice a view of the subject which appears to have escaped the learned Judge. It may be true that, supposing a reputable society to employ a disreputable solicitor, no man will be safe from harassing and vexatious accusations. But is it not, on the other hand, equally true that, if there were no societies established for the prosecution of offenders, one crime after another would often escape unpunished? No doubt, the law has provided means for compelling the attendance of unwilling witnesses; but is a matter of every day's experience that, in one way or another, the aims of the law are defeated. We will give full credit to Mr. Parry's statement, that the exertions of the association for which he holds a general retainer have been highly successful in the detection of guilt. He mentioned that, in twenty-six cases out of thirty-two, the prosecutions had been instituted had been followed by convictions, and that among the latter were included several in which the public voice most strongly demanded the punishment of the offenders. In further vindication of his clients, he added that they had never interfered as mere volunteers, and that their assistance had been repeatedly solicited by the police and other authorities. Lastly, it was

urged that the character of the most influential members of the society ought to be accepted as a sufficient guarantee for the purity of their motives, and that, with regard to the solicitor, there was no ground whatever for the charge which had been made against him.

We are, as has been shown by our preceding remarks, in the fortunate position of being able to agree almost entirely with the two parties to the very unseemly altercation which has taken place. Either there must be, under the present system, frequent failures of justice, or justice must be effected through the voluntary and irregular agency of individuals possessing no special right to invoke its powers. We are unable to decide which of the two evils should be regarded as the more formidable; but we feel assured that neither the refusal of costs, nor the severity of judicial strictures, will prevent humane and well-meaning persons from associating together for an object which they naturally regard as most important to the morality of the country. As often as public indignation is aroused by the escape of some profligate offender, who has managed to bribe or to intimidate the witnesses whose testimony he feared, there will be an accession of fresh members, and an increase of zeal among old ones. Nor could we, under present circumstances, wish that such a feeling should be checked. One remedy alone suggests itself, and it is that which we have already indicated—the appointment of Public Prosecutors, whose station and character would secure them against all suspicion of corrupt motives in commencing or discontinuing proceedings, who would protect the innocent against false accusations, and would deprive the guilty of all hope of escape from the exposure which they deserve. It is surprising that functionaries of this description should never yet have existed in this country; and should the cases which have been noticed lead to the establishment of an office from which so much good may be expected, we shall have no reason to regret the indecorous squabble which has led to an exposure of the deficiencies of our present system.

COMMERCE AND WAR.

(From the Journal of Commerce.)

THESE, one would think, were two antagonistic elements in a nation's progress; for commerce is essentially an operation of peace, and war is calculated not only to derange its system, but to impair its resources. Commerce undoubtedly has the fullest and freest course when all is tranquil. The fields of its enterprise are in that case open and unobstructed; there is nothing to check its advance—nothing to stand in the way of its success. And we have seen the force of this very signally illustrated during the almost 40 years of peace which, with slight exceptions, Europe has enjoyed since the downfall of Napoleon I. The course of commerce in that period has been rapid and extensive beyond all previous calculation; and for this reason, that all the impediments which war created were removed, and the nations were left at liberty to pursue a successful career of industry and art—to give effect to the appliances of science and invention, and to develop and appropriate their manifold resources, while more of the markets of the world were thrown open to their merchants' energies. Moreover, the science of trade had time and opportunity to be cultivated. As the operations of trade kept extending and as the necessity for the still greater extension kept gradually pressing upon public attention, its whole system had to be reconstructed and made more free and self-reliant. We speak now with reference more especially to England. Most of the European Governments have, in some degree, had to adapt their commercial systems to the altered circumstances of the times. But England has done it boldly, comprehensively, and judiciously, and she is now reaping the benefit in time of war of what she did in time of peace. Notwithstanding the pressure upon her national finances, the distraction of her public mind, and the diversion, more or less, of her people's means, not only is her commerce unimpaired, but it is still progressive and prosperous.

This is a subject in which America could not but feel deeply interested, seeing that it concerned the consumption, upon a scale of hitherto increasing magnitude, of some of her most important staple products. We have, on this account, adverted to it from time to time, and it has always been in our power to show how satisfactorily the trade of Great Britain kept up under the war, and how unaffected were the springs of her enterprise and industry by its influences. The last intelligence we have received is of the same encouraging character. We submit a few details of it, as bearing out, or rather going beyond, the most sanguine anticipations.

We have the Board of Trade returns before us of the declared value of the exports for the eight months ending the 5th of September, and their aggregate for that period of the last three years—that is, the present year 1883, and the years 1882 and 1881—as follows: for 1883, they were £24,009,146; for 1882, £28,158,729; and for 1881, £29,653,150. So that, notwithstanding the country is now in the thickest of the fight, and all the usually disparaging influences of war might naturally be expected to be in full operation, there is still a progressive increase. Not large, it is true—some million and a half, or thereabouts; but it is an increase, whereas a decrease might rather have been expected; and under the old contracted system, in all probability, there would have been one of enormous increase. It will afford, therefore, a fairer criterion to compare it with that of 1852, which comparison gives an increase of upwards of £12,500,000; namely, from £12,500,000 for the last eight months, and £24,009,146 for the same period two years since. A more signal testimony of the successful working of the new system of trade could not be desired.

If we examine the details, there are special reasons why America should be satisfied with it. We are, for instance, deeply interested in the prosperity of the cotton manufactures of Great Britain. Well, the exports of those manufactures for the single month ending 5th of September amounted to £2,298,131, being an increase to the amount of more than one-third of a million on the same month in 1852, and of upwards of £100,000 on that of 1853. The last month, it is true, exhibits for the first time for many months a decrease as compared with the corresponding month of last year. But this is accounted for by the shipments for Australia having in that month of 1853 been of extraordinary amount. The imports of wheat and flour, which were largely in double the amount in the corresponding month of last year as compared with that ending 5th of September. But this is indicative of prosperity rather than otherwise; it shows that England has, by her late harvest, drawn upon her own resources for those important products, and what we lose in that we shall doubtless gain in something else.

The inferences to be drawn from the whole detail of figures are, in fact, most encouraging to both countries. The consumption of the

leading articles of food—both of the comforts as well as the necessities of life—is shown to be very large, and to be augmenting, which tells us that the industrious classes, who form the great bulk of the population, are well employed and well remunerated; and we all know that the more this is the case the better market there is for most of our own great staple products.

There is another Board of Trade return which is not without interest—viz., that of the shipping entered inward, and the clearances outward. The whole tonnage inward for the month ending 5th of September last is 922,889, while that of the same time in 1852 was 741,710; showing an increase upon the two years of about 180,000 tons. That is for one month. But the most remarkable and pleasing feature is this—that the greatest item of the increase is in the United States' ships, the tonnage of which amounts to nearly twice as much as it did in that period two years ago, which was then but 75,674, while now it is 144,230—a very satisfactory indication indeed of our rapidly augmenting commercial intercourse with the old country. The clearances outward are, in the aggregate, less favourable to the British shipping trade; but to our own they are most encouraging, presenting a tonnage of 104,658 in the month this year, to stand against one of but 80,302 two years since; showing an increase of nearly 25,000 tons per month. So that we are pushing our maritime interests with more and more successful effect into British ports.

These are gratifying facts. They tell a tale that is auspicious for us as well as for Old England, and may well animate our merchants and shipowners with renewed hopes. John Bull, in both financial and commercial, under this formidable war, and all we have to do is to go on extending and improving our relations with him, as our largest and most reliable, and most profitable customer, and, in any time of need, let us trust our generous and considerate friend.

FRANKLIN'S FATE.

(From the Times, Nov. 8th.)

IT is with the most extreme satisfaction that we call attention to a telegraphic dispatch which will be found in another portion of our columns this day, which announces the safe arrival of the Enterprise, with Captain Collinson and his crew, at Port Clarence. We presume this place to be the port of that name at the entrance of Behring's Straits, so frequently mentioned in the records of our Arctic navigators. The Enterprise had not discovered any relic of Franklin, or of his unfortunate crew, so that we are left left to the intelligence brought home by Dr. Rae. It is gratifying to hear that in the course of her prolonged absence the Enterprise had lost but three men; but, in truth, occupation and exposure in these northern regions have not been found prejudicial to the health of seamen, excepting, of course, in the case of an overwhelming calamity, such as that which befell the Erebus and Terror. It would be idle to institute a comparison between the results of the efforts made by Captain Collinson and Captain McClure respectively in these inhospitable regions. We would simply mention, as an act of justice to Captain Collinson, and lest it should be supposed that he had desisted prematurely from his laborious and perilous task, that as far as the North-West Passage is concerned the Enterprise accomplished as much as the Investigator. Captain Collinson reached the North-western end of Prince of Wales Strait a little later than Captain McClure, who may, no doubt, claim priority at this point. Both were stopped by an impenetrable barrier of ice. There is no substantial difference between the result obtained at this point and the discovery made of Mercy Bay, where the Investigator is lying jammed up amidst the ice. The difficulty we presume, of reaching Melville Island is not at all greater from Point Russell than from Cape Hamilton. Captain Collinson, moreover, has saved his ship. Their country will know how to place a proper value upon the exertions and achievements of both these gallant officers, without seeking to raise or depress one at the cost of the other. It is fortunate that this intelligence has reached England in time for close despatch upon the heels of the messengers who bear directions for organizing a search for the Enterprise by the way of the Mackenzie. Happily every human being has been withdrawn from these Arctic solitudes save the members of the United States Grinnell expedition, which by the last advices was doing well at or about the entrance of Smith's Sound. These, too, can be no doubt warned that all further exertion on their part is useless, and that they had best return without delay. Our work amid the ice is now limited to certain investigations which may throw light upon the manner in which Franklin and his friends came by their end. In other words, we are no longer concerned for the living, but for the dead. The sooner this painful enigma is solved one way or another the better, and then we trust the English nation will bid a long farewell to Arctic expeditions.

As everything concerning the fate of poor Franklin and his noble band is eagerly seized upon—not a few still continuing to "hope against hope"—we subjoin the following letter to the Editor of the Times, on this painfully interesting subject:—

Sir,—As a relative of the above gallant officer, whose fate, as well as that of his companions, the public at large are so anxious to ascertain beyond all reach of doubt, I shall feel greatly obliged by your giving publicity to the fact that in 1850 the Admiralty offered a reward, which is still outstanding, of £10,000 "to any party or parties who, in the judgment of the Board, shall, by virtue of his or their efforts, first succeed in ascertaining the fate of the crews of the Erebus and Terror."

The reward is a handsome one, and it is to be diffused through the remote regions of the Hudson's Bay territories, and thus cause a search to be made on the North American shores or elsewhere which may yield positive information.

I am the more desirous that the existence of this outstanding reward should be made as public as possible, as I have been informed that Dr. Rae was not aware of it until his return to England.—I am, Sir, your humble servant,

C. R. WELD.

Somerset House, November 7.

From the Morning Chronicle, as bearing on this same matter, we make the following extract:—

"MIERTSCHING, the ESQUIMAUX INTERPRETER.—This valuable missionary of the Moravian Church, who accompanied Captains Collinson and McClure in one of their Arctic voyages, an interpreter, lately addressed a numerous audience, at the half-yearly missionary meeting at Fulneck. Although labouring under indisposition, Miertsching was able to answer a variety of questions which were addressed to him by Mr. Mallalieu, the active and zealous agent of the mission. After which, he detailed, at considerable length, the hardships and dangers of the undertaking in which he had been engaged, so as to bring vividly before the eyes of the auditory the pecu-

liar and frightful perils of Arctic navigation. The attention was riveted upon hair-breadth escapes, superhuman efforts, and wasting fatigues, whilst, with strength enfeebled by scanty nourishment, the gallant crew of the Investigator laboured through the short but nightless summer. Sometimes they were blasting away fields of ice, which threatened to crush the ship as a "nut between the teeth;" at other times, hunting for fresh meat, they shot the bear, the musk ox, the deer, and the snow partridge; then they were looking for canisters and other vestiges of those who had preceded them in their perilous explorations. At times they would meet with companies of 200 to 300 savage Esquimaux, armed to the teeth, approachable only by a mutual laying down of weapons; and who, alas! were quite inaccessible to the message of the Gospel for want of a language to express religious ideas. The long winters, with their perpetual nights, afforded sufficient occupation in the vigilance and multiplied expedients necessary to defend life from the intense cold. Fahrenheit's spirit-thermometer stood frequently at 90 degrees below freezing point. The moisture of the body, whenever it came into contact with ice or metal, was turned into a cement so adhesive, that a separation was impossible without the loss of the skin. The sledge journey of 180 miles from the Investigator to Dealy Island, and one of an equal length from the Resolute to Beechey Island, were attended with peculiar hardships. The sledges were drawn by parties of six to eight men, who, in dragging them over the hummocks of ice, had sometimes to leap down heights of twenty feet into the snow. Plunged up to the armpits by the force of the descent, they would then extricate themselves with great efforts; and in this way would they spend the whole day in advancing some three miles. After listening to some touching verses composed at the Bay of Mercy by one of the sailors, who presented them as a parting token to Miertsching, the whole assembly joined in a hymn of thanksgiving to that Lord whose providential care had been so strikingly manifested throughout the five years' peril of these devoted and much-enduring men."

NECROPOLIS FOR THE CITY OF LONDON.

(From the Times.)

A VERY few years ago, the idea of founding a cemetery for the metropolis which should be more than 20 miles distant from the city, and yet be looked upon as an absurdity. Yesterday, (Tuesday, 12th November), saw the practical embodiment of this idea. A special train, starting from the Waterloo station of the South Western Railway, at half-past 12, in three-quarters of an hour carried to the Necropolis a large number of the shareholders and directors of the London Necropolis and National Mausoleum Company, who were there to assist in the consecration of a portion of the large tract of land purchased by them for the burial of the poor, and the interment of the remains of the shareholders and directors of the London Necropolis and National Mausoleum Company, who were there to assist in the consecration of a portion of the large tract of land purchased by them for the burial of the poor, and the interment of the remains of the shareholders and directors of the London Necropolis and National Mausoleum Company, who were there to assist in the consecration of a portion of the large tract of land purchased by them for the burial of the poor, and the interment of the remains of the shareholders and directors of the London Necropolis and 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The roads are without hedges. This mishap rendered us anxious to avoid the like in future, and after this we travelled more by day and less by night. It also caused a delay, which prevented our reaching Poltava that evening, as we had anticipated.

CHAPTER XIV.

Poltova.—Style of building.—Kharkov.—Carriages made to hold both.—Bielogrod name.—Poltova not prevalent in Russia.—Nearly empty.—Requisit—Russian Military Com.—

The next morning (10th June), we resumed our journey, and reached Poltova for breakfast, it being only one stage from where we had slept. We were taken to a very large near hotel, bearing an unpronounceable name, which of course I cannot remember. In the street where our hotel stood there was, on one side, a row of houses two or three stories high, nicely finished, and on the other side, a row of shacks; on the other side were shops only, with no signs of life.

We also overtook a great many women of all ages, but some very old, miserably dressed, having straw sandals on their feet, with an extra pair hanging by their sides. Some carried bundles, containing anything they might have for sale in the market; others were carrying their children, and some were pilgrims bearing their offerings; but all appeared equally poor; and as we overtook a great many of this description, all proceeding in one direction, until we reached Moscow, I concluded that that was the way in which they were all proceeding. All whom we met or overtook invariably bowed or expressed their respect to the uniforms they saw in the carriage, without knowing to whom it might be to whom they were thus paying respect.

The country here, and all the way to Moscow, had the appearance of being regularly cultivated, as far as I could see on both sides of the road; and I now observed manure used in the fields, the first I observed so far from home. I had seen it on the other side of the Dnieper. The surface was not hilly, but undulating; and there were a vast number of churches and villages in the distance, interspersed with plantations of trees and fields of wheat and barley.

CHAPTER XV.

Koulik.—A dirty lane.—Pilgrims tripping.—Great confusion of people to Moscow.—Pilgrims tripping.—Great confusion of people to Moscow.—The Russian clergy.—Bishops.—Monks.—Churches in general.—Lazarets.—The Russian army.—The Russian army.

We reached Kursk at a late hour of the night, passing through dirty streets, innocent of anything like order or pavement, and put up at one of the filthiest of Russian inns, which are usually none of the cleanest. I recollect that on one occasion, being discomfited by the stench of the place, I was obliged to leave these houses of "accommodation," we returned to our carriage to proceed to the next station, much to the disappointment of the host, who expected to make something by us, and who followed us to deprecate our disgust, saying that he had been only a day or two in the place, and that he would have found time to make the servants clean it. Here, however, there was no avoiding the fate of furnishing food to the vermin of the place, and we had to make the best we could of our situation, by reposing on the sofa of a room in which I could not drink water, and which I was obliged to make way for us. We slept however, in spite of all inconveniences and the lacerations of the

On waking (13th June) we were informed that the carriage needed repairing, in consequence of the damage it had received from the rough road over which we had passed on the previous night. It was fortunate that this discovery was made at a convenient place. By eight o'clock all was ready for our departure, and we proceeded leisurely through the town, over the rough stone streets, but feeling little confidence in the strength of our vehicle.

Kourska is a considerable place ; the streets are broad, but the houses irregularly built, and it does not present so modern an appearance as the other towns I had visited. On emerging from the city, we passed a small gate, outside of which are two palm-trees, situated in an enclosure of

event. Here we entered upon the *chaussée*, which is built in one continuous straight line, all the way to Moscow—upwards of four hundred miles. It was marvellous to see, from the top of a hill, one uninterrupted line through the country, as far as the eye could reach. My servant, who was a Maltese, was particularly struck with this boundless extent, comparing it with the views on his own little confined island, upon which he could scarcely see a few miles ahead of him. He was sure, he said, his countrymen would not believe him if

[illegible]

It was amusing to see, as we passed, a string of pilgrims turn round on our overtaking them, their curiosity getting the better of their prudence; and as they looked back, one or other of them would be sure to stumble, and become a stumbling-block to those following with their heads turned back; so that we sometimes saw several sprawling on the ground together.

road, and after warping up the next activity. The hills are a steep, and form one of the defects in this fine road, sometimes even being perfectly straight; to cut through the hills in order to form a level would have been both expensive and difficult, and the road is not allowed to wind through them. The bridges are chiefly of wood, and where they cross any considerable stream there are wooden buttresses to protect them from the force of the current; on each side is a strong rail, and on the sides of the road for some distance are placed posts a yard

As already observed, the traffic on the road increased as we approached Moscow. On this day we met the diligence from the metropolis—a huge lumbering vehicle, with five horses, and loaded with passengers. Some conception may be formed of the demand for this mode of conveyance in

Russia, when we state that, at St. Petersburg, on my first requiring to take places for a journey to Warsaw, I was informed that every seat was engaged for the next eleven days. An English omnibus company would best meet the demand, by starting vehicles to run every five minutes.

We met many carriages of all kinds: in one was a fat priest, dressed in a violet-coloured gown, buttoned up to the neck, and extending down to the heels. He had a large, broad-brimmed hat, from which his hair hung down upon his shoulders; his beard was long and venerable, and he appeared quite at his ease in his carriage.

From what I could learn, during my residence in Russia, I do not imagine that the clergy have much influence. They are, of course with some exceptions, very ignorant; and it appeared to me that they were more on sufferance, for the position they hold as ministers of grace, than as teachers of

The priests are divided into many classes, and I observed that they wore various colours,—such as black, violet, grey, and dark blue. But I do not imagine that any distinctions were denoted by the colour of their gowns. They are all allowed to marry: at least a married man may become a priest, but once having taken orders he cannot take a wife also; if he should lose his wife he must remain single. A bishop may have been a married man either before or whilst in orders, but he cannot be raised to wear the mitre unless he is single at the time. Most bishops however devote themselves to celibacy from the beginning of their career, by which course they gain a reputation for sanctity and learning, which no married man could ever acquire.

The country we were traversing was richly cultivated, and dotted with farmhouses and villages, forming everywhere pleasing landscapes. The weather was charming, but very warm. About six o'clock in the evening we reached Orel, having travelled 158 versts (106 miles) in ten hours. The high road runs

through this town, which appeared pleasant and clean. We merely staid to dine at the inn attached to the post-house, and then proceeded to the first station beyond Orel to sleep. We were now getting nearer to the metropolis, as was shown by the better appearance of the station, which had been built under the direction of the Government, and was kept clean: we slept, as usual, on sofas, without undressing.

We started the next day (June 14) at half-past five, but discovered before long that our carriage was giving way; we had better therefore to stop to have the wheels repaired. We did this, and then proceeded on our way.

necessary repairs made while we unpacked. The villages seemed to increase in number as we proceeded northward. The churches had a very picturesque appearance, and were in some villages very numerous. The country churches were built chiefly of wood, and whitewashed. They were generally similar in construction, consisting of one large cupola, with four smaller ones in the shape of a cross, and on the top of each cupola were fixed a cross of iron.

of above. Our author says the song-sparrow would not build its nest next a rod from our dwellings, if the right conditions are there. The nest is usually built on the side of the mound, where the grasses and mosses are overrun with blackberry vines and wild rose-brambles. For the purpose of picturesque effect, and affording the bird a means of escape, the nest is usually made of rough small poles, passed through upright posts, is recommended in preference to hedges. The growth of miscellaneous shrubbery near this rustic nest-fence should be encouraged, and here songsters will make their nests. The author also says that a mixture of shrubbery and other wild plants that constitute some of the charms of the old New England stone walls. We seldom see one that is not covered on each side, with more or less, with roses, brambles, spiræ, viburnums, and the like.

our open fields the stone walls, with their accompaniments, are the most attractive objects in the landscape. Along the base of these walls, where the plough does not reach, nature calls out the rue leaved anemone, the violet, the cranesbill, the bellwort, the delicate pink convolvulus, and many other

native flowers of exceeding beauty, while the rest of the field is devoted to tillage." In the early times it was customary to erect bird-houses in the garden for the accommodation of swallows, wrens, blackbirds, and martins, but comparatively few have been constructed of late years. These little houses may be made cheaply and very ornamental. For some reasons we always form a favourable opinion of the resident of a dwelling where a bird-house is seen near it, and we remember the beautiful lines—

He praveh here who loveth best
All things both great and small;
For the great God who loveth us,
For the great God who loveth us,

In concluding his sermon, Mr. Farrag uses the following language: "If we possess all these requirements (providing retreats and building houses, where men employed in tilling a farm or laying out a country-seat, we do but avoid the destruction of those beautiful relations which Nature has established throughout the earth. The plough and the scythe may do their work for man without interfering with the wants of those creatures whom nature has appointed as the enjoyers of his toil. Every estate might be made to

represent the whole country, in its tilled fields and cultivated lawn, with the proper admixture of forest, thicket, and primitive herbage. Then, while sitting at our windows, the eye would be delighted by the sight of little coppices of wild shrubbery, with their under-growth of mosses, ferns, and Christmas-eve-greens, rising in the midst of the smooth lawn, and in charming opposition to the flower-beds that are distributed in other parts of the ground. In the miniature woods, the small birds would find a shelter, suited to all their wants and instincts, and in return for our hospitality would be as the sentinels of our orchards and hanks, and the

RUSSIAN GUNNERY.—Russian gunnery was singularly illustrated on the 11th. An Austrian barque, laden with hay for British use, when close off Sebastopol, was becalmed and drifted within range, and went ashore within 2000 yards of the forts; the crew escaping from her. Every gun was brought to bear upon the barque for an hour and a half; but she was only hit in four places. To the astonishment of the

Russians, the Beagle ran, covered by the Firebrand, took the barque in tow, and carried her safely out. Two Russian frigates made a show of coming out, but declined to fight the Firebrand, although she only carried six guns. The guns of the Beagle had been landed for the siege. The Firebrand was only hit four times, and the Beagle not at all; though it is estimated that the Russians fired 400 or 500 shots.—*Speculator*, October 28.

THE LAST DAYS OF ST. ARNAUD.—A letter from the Parisian *Le Pays* says:—"I mentioned, in my last issue, that Marshal St. Arnaud was exceedingly unwell, and that there was little hope of saving him. On the 30th, in the evening, the marshal arrived here, bringing his dead body. The day after, he was laid out in the Alma, where, every one admits, the marshal was worthy of all admiration, for he remained twelve hours on horseback, displaying a superhuman energy and activity, he was mortally attacked. He embarked on board the *Berthollet* on the 29th. He had there a

moment of improvement, but it was only a last rally before death, as, in three hours after, he expired in the midst of the officers who accompanied him. It has been ascertained that he died of cholera and of aneurism of the heart. He was placed in the chapel of the embassy of France. The next day, Madame de St. Arnaud went to see the remains for the last time, and as the blood flowed from the nose of the deceased, she cried: "He is not dead for he still bleeds;" and she fell in a fainting fit into the arms of a colonel who accompanied her. Some

the sailors of the Belle Poule, who had kept watch all night, told me that, in seeing so deep an affliction they had never like children."

AFTER-DINNER ENJOYMENT OF A ROMAN EMPEROR.—Caligula must have been a most unpleasant person to dine with. He entertained himself and his guests with the sight of men tortured on the rack, and he gave up private executions on these occasions to enliven the party. We read that he presided at the banquet of "Mrs. Anderson," presided at the piano. But the Romans only hear of these things.

frighten his guests with, and how his divinity, private headman, Niger Harbatus, performed, as usual, with his well-known dexterity. His frolics were of really frightful character. It was after a banquet, when this capital jest of slaying had failed to make him as merry as usual, that he rushed to the sacrificial altar, attired in the dress of a victim-killer, that is, with a linen apron for his sole costume. He seized those who were mallet as though he were about to slay them as the appointed victim, but he turned suddenly

round on the resident official, and but-
tered him instead. And thereat, all who had wit-
nessed the frolicsome deed of their master declared
"Pore Jove, 'twas a more capital joke than the last!"
His answer to the consuls who ventured to ask the
cause of a sudden burst of laughter in which he in-
dulged at a crowded feast is well known. "I laugh
to think of this miserable creature, "that with one
wave of my hand, can sweep all your stupid heads
off!" His method of loving was equally enac-
tistic. He would stifle his wife's voice, and

neck he professed to admire, and express his delight that he could cut it off when he pleased. There was the brilliant Cesonia; "I cannot tell," said her imperial lover at a feast, "why it is that that I am fond of that girl. I'll have her put on the rack for a quarter of an hour, that she may be compelled to tell me the reason." Blue Beard was the mildest of Quaker gentlemen compared with this Caligula. A lady might as well have been wooed by a boa constrictor.

THE SABBATH AND THE GLASGOW CAR-DRIVERS.—At a delegate meeting of the coach and cab-drivers of Glasgow, held on the 16th instant, it was resolved "that they request the proprietors to stop the Sabbath driving within a month of this date," and, further, "that after that time the men will consider themselves bound to come to a speedy and determined decision in the matter." This is a certainly pretty decisive language, and calculated to produce a very considerable importance to a speedy issue. There are thousands of Glasgow who look with horror on the running of a rail

ways and steam-boats, and yet feel not the slightest compunction to order a cab, and to rattle away to church with the utmost placidity of countenance and conscience. If there be such a thing as running directly in the face of the commandments, it must be more strikingly apparent in the case of cabs than in those other cases that are referred to. If there be one portion of the animated creation more than another that should participate in the Sabbath rest, it is certainly the horse, and especially the poor hack-

which is so serviceable to the community during the other six days of the week. The driver, too, who sits on his box or hangs about in readiness to accommodate the passengers, from noon till noon, and from noon till midnight, is as fit a subject for commiseration as any in her Majesty's dominions. We hope the good-natured Glasgow people are so earnest for putting down other species of Sabbath traffic, will come, hear, and hand, to the assistance of the cabmen, and if not, through respect for the Divine precept, at least for the sake of humanity use only their respective vehicles.

FISH for the LONDONERS. — Every night in the season the hardy fishermen of Yarmouth catch 10 tons (12,981 weight) principally herrings, which, by means of the Eastern Counties Railway, are next morning at Billingsgate. The South Western Railway sends up annually, with the same speed, 4000 tons of mackerel and other fish, the gatherings of the south coast. The North Western collects over night the "catch" from Ireland, Scotland, and the north

east coast of England, and adds to the Thames-street mart 3578 tons, principally of salmon, whilst the Great Northern delivers to the early morning market, or sometimes later in the day, 3248 tons of like sea produce. The Great Western brings up the harvest of the Cornish and Devonshire coasts, chiefly mackerel and pilchards, to the amount of 156 tons in the year; and the Brighton and South Coast conveys the incredible number of 15,000 bushels of oysters, besides 4000 tons of other fish. Nearly one-half, in fact, of the fish supply of London is derived from the following as of old the tedious route of the inland navigation.

COMMERCIAL MORALS. Liverpool is not a very different place from what it was in 1840. With all its levitation contemporary the *Times*. Statements have been made in that journal respecting the estate of Mr. Oliver, who has suspended payment, and whose friends have not succeeded in effecting an arrangement; and a notice was posted up on the Liverpool Exchange to the effect that the statements in the *Times* "were incorrect, and that their appearance was the cause of much unintentional harm." The error, however, are not corrected: and, substantially, the statements made in the *Times* are the same as those in other journals. We are left to suppose, therefore, that

doubt whether they can sustain any such proposition or whether they would even attempt to do so were put before them nakedly. There cannot, of course, be any intention on the part of the *Times* to do harm. The pledges which the journal has taken, the interest that it has at stake, are too great for such an abuse. The commercial writer can wish for no publicity that is not also for the interest of commerce. As soon as commerce is developed to a scale such as that which requires an "Exchange" in Liverpool or London, it

All such institutions have their conditions implying a knowledge of the parties and of their proceedings. In corporation creates intercommunication, and public follows; it is indeed the object as well as the consequence of incorporation. A desire to inflict injury, even by criticism, must present the anomaly of an injury without a motive. Notwithstanding the rapid development of circumstances that are conspiring to render speculation an untenable ground in com-

blame. But the very cases which are said to have suffered from publicity attest the advantage which must attend it. There is no statement that these embarrassments have arisen from misdeeds; hence they must be the consequence of a mistake. It is difficult to decide which of the two courses now proposed in one case would be the better if the house stops payment, others are brought down with it; yet the plan suggested for accommodation by surrendering some of the vessels purchased, and

RUSSIAN TRADE THROUGH PRUSSIA.—The intention that our Government is preparing some step to arrest the Russian trade through Prussia, would alone suffice to disprove the late reports that Prussia was growing more reasonable, and to tell her that a time of closer reckoning is at hand. It has been supposed that our Government might effect the stoppage of the evasive Russian trade by various methods—by a blockade of the Prussian ports so far as to stop vessels

abandoned, without giving more exasperation to America than the principle itself gave while it was first in dispute; and prohibitions upon imports, although not inconsistent with free trade on purely commercial grounds, would yet cause some feeling of dissatisfaction in this country. We are not prepared to say that the public would be indisposed to make a large concession to the necessities of the state, and confidence in Ministers; but the inconvenience is evident. In the mean time, Prussia is so obstinate in

capacity of a friend, and would only be allowed to interfere upon joining in the more positive alliance concluded between the three Powers. Notwithstanding the unaccountable ministerial manoeuvre at Berlin, Prussia shows no disposition to take the more manly course. Her treacherously equivocal action can only originate in blind devotion to Russia, the apparently the strongest tie recognised by Prussia. This close intimacy places the territory of Prussia constructively at the service of the enemy; we have

fault, and she has no right to complain if the punishment turn upon herself. The rights of neutrals are of course to be respected by the Allies; but it becomes absolutely necessary to get at Russia in order to restrain her; and the necessities of war might compel the Allied armies to extend their operations around the European boundaries of Russia, without any distinction or exception. Prussia is braving accumulation of danger which may be very critical to her future, but may release our Cabinet from the

... fame has reached this land, and who has charge of important government. Your Excellency's ability so lofty as to be compared to a bird perched on the summit of a hill, all-sufficient to make return for the favours bestowed upon you by your sovereign. Your Excellency has honoured the borders of Kiang with your presence. You will certainly satisfy the hopes of all. Fortunate do we consider ourselves in that you have condescended to visit us. We look up and admire the splendour of your phoenix-like appearance.

the risk of giving offence, we express our feelings, and with much respect wish you golden happiness. Bending prostrate, we hope you will throw a glance on this. Presented by the Hwar scholars." — *Waterside Times*.

A PROPER PRECAUTION.—The French band of the Emperor's "Guides" who are to visit us to play in aid of the Soldiers' Fund, have, before venturing to London, had the Solicitor of the Dramatic Authors' Society bound in a very heavy bond that, being the last French novelties, they shall not be translated into English.

Descending in the scale of excellence, we come to an actor whose genuine humour and talent for exciting the ludicrous have only been equalled by a Liston or a Reeve. Mr. Robert Campbell, we are concerned to perceive, has lately disappeared from the stage—to return, we hope, with a fresh stock of comicality to enliven the dull town. His announcements, to the effect

cause we remember it. The almanack brings round with it the anniversary, but carries with it no compulsion of observance. The anniversary itself is a human idea, fictitious in accuracy, and impracticable, since no civil year being of scientifically exact length, we do not attain a real recurrence of the day. Made by ourselves we may treat the anniversary as we please; and sometimes it is better honoured by the omission than the observance. *FRANCIS*

artist, who recounts the scene with infinite humour, "was the utter fury into which Miladi fell when she recovered from her swoon, reproaching me for having aided her husband in deceiving her: for she herself had never discovered the difference between the false and the real, although the diamonds made by Randall and Bridge had been in her possession ever since her marriage, and had been worn by her upon every state

grew so importunate, that Achmet became alarmed, and even the rais, who was a man of some courage, seemed a little uneasy. I thought it time to give change to affairs, and therefore rose and told the shah I was ready to visit his village. We had intended returning on board and sailing to the place, which was at the southern extremity of the island, about a mile distant, but reflecting that this might occasion mistrust, and that the best way of avoiding danger

Upper Faddington, at from £3, to £3 17s. 6d. per foot.

20 shares in the Sydney and Melbourne Steam Navigation Company were sold to-day, by the same firm. They obtained £16 per share or £20 stock paid up. The remainder of the share

1

MR. C. MARTYN has received instructions from John Walker, Esq., to sell by auction, at the Horse and Carriage Bazaar, Fitt-street, THIS DAY, February 9th, at 11 o'clock

- A light cabriolet phaeton, in good order, for either one or two horses, carries four inside, mail patent axle, and every thing complete
- A nearly new Bennett gig
- One water cart
- A first-rate milch cow

One bay gelding, thoroughly broken to harness, and a trait given, and has been accustomed to farm work.

Carriage, Horses, and Harness

Property of Louis Barber, Esq., about leaving the Colony.

MR. C. MARTIN has received instructions from Louis Barber, Esq., to sell by auction, at the Horse and Carriage Bazaar, Pitt-street, THIS DAY, February 6th, at 11 o'clock.

A nearly new London-built cabriolet phaeton, very handsome and light, built for one or two horses.

trimmed with dark cloth and morocco leather, polished, silver and milled hood, apron, and a pair side lamps, pole, add saddle, complete, with a very handsome pair of thorough-bred horses, standing in hand 2 inches high, and a perfect match. Also, A heavy yew-stem of silver mounted harness. Also, N.B.—Any gentleman who desires a really first-rate and general turnout, will do well by inspecting the same.

To be seen at the Bazaar.

Gentlemen's Hack or Officer's Charge.

M. R. C. MATTYN has received instructions

M R. C. MARTIN has received instructions from Mr. W. A. B. E. to sell by auction, at the Bazaar, Pitt-street, THIS DAY, February 9th, at 11 o'clock,

A chemist gelding, stands 16 hands high, with great strength, and well up to 14 stone in the saddle, is a good charger and a first-rate ha-kney, good roadster, and free from vice.

Town Carriage, Horses, and Harness, the property of Wm. Bradley, Esq., M.L.C., who is about leaving for England.

A handsome London-built carriage, hung on elliptic springs, Colling's patent axle, painted a dark chest, and trimmed with blue cloth and morocco, built to Mr. Bradley's order in London, for this colony, with—

A pair of bay carriage horses, stand 17 hands high, a perfect match as regards colour, height, temper, and pace, and the best pair of carriage horses in Sydney, also—

A newly new set of silver-mounted harness, also—

N.B.—The whole to be sold without reserve, at the residence of Mr. J. H. G. Kennedy, Esq., 151, Pitt-street, on TUESDAY next, February 14th, at 11 o'clock.

MR. H. A. GRAVES has received instructions from Mr. Smedley, to sell by auction, on **THIS DAY, 9th February**, at 11 o'clock, at the **Brisbane** line, corner of Kent and Druitt streets, without reserve, Superior household furniture and effects, consisting of wardrobes, hair-stuffed sofas, chairs, dining and other tables, with

and, and toilet sets, sanctes, slate and other bedstead, pailons, and bedding, 2 organs, 10 vols. Encyclopedia compans, large chest of cutlery, 1000s, paintboxes and engravings, looking-glasses, china, crockery, and glassware, kitchen utensils, and other sundries too numerous to mention.

Terms, cash.

Unredeemed Fledges.

MR. H. A. GRAVES will sell by auction, on **TUESDAY, 13th February**, at 11 o'clock, at his Rooms, George-street, opposite the Eagle off

The undermentioned unredeemed pledges, pawned with Mr. Barnes, of No. 34, Clarence-street, on the dates specified in under.

1854.	
June 10	Visite
12	Suit of clothes
16	Watch No. 3030, pair of blankets
17	Double-cased lever watch, 1 over coat
26	Suit of clothes, 2 dresses, and shawl
	Dress, shawl, and 2 petticoats, 2 gold rings
	Silver watch No. 6548, lever watch No. 4616

27 Lot of men's clothing
3 dress pieces, coat and vest, crape shawl
3 Brooch and ring, dress piece, shawl, and shoes
51 6 pieces of clothing, coat, trousers, and boots
July 1 4 rings, 3 dresses, shawl and shoes
2 dresses, shawl and boots
3 Shawl and dress piece, silver watch, No. 2176
Lady's companion and ring, 1 over coat
Gold Albert, lot of baby's clothes, 10 sheets
Watch, No. 2469, hunting watch, No. 3566
Earrings and ring, hand of clock
2 black and white pictures, over net

- 5 pieces cloth, table cloth, coat, and 2 gowns
- 8 Suit of clothes, 3 rings, gold penholder, and 1 pair
Dress, vest, shawl, and stays
- Rhawl, dress, &c., jacket, trousers, and 2 shirts
- 6 Dress piece, 1 over coat
- Genera watch, No. 31,094, crape shawl and dress
- Gold Albert and eye-bow
- Coat, trousers, vest, &c.
- Lot of clothing, suit of clothes
- 2 pairs of trousers, double-case watch
- 1 vest

- 9 Vaise and books, 7 pieces of clothing
suits of clothes, shawl, stays, and sundries
- 10 Coat and 1 vest, 3 shirts, coat and jacket
suits of clothes
- 11 Coat, coat, 2 pairs trousers, dress, &c.
- 12 Bag of books, shawl
- 13 1 over coat
- 14 8 - it of clothes
- 15 Trousers and print
- 16 Jacket, 2 shirts, and handkerchief
- 17 2 pairs trousers, 2 vests, 4 handkerchiefs, shirts, &c.
- 18 Epid watch No. 347, and guard chain.

August 1 1 over coat, 1 at, suit of clothes
2 Coat and trousers
3 Suit of clothes, 1 over coat, 2 shawls
4 Crape shawl, shawl, and 2 dress pieces
Dress and shawl
5 Watch, No. 7565, coat
6 Coat and gingham
7 Monkey jacket, suit of clothes
8 Monkey jacket, 5 pieces of clothing
Coat and trousers
9 5 pieces of clothing

11 Watch, No. 597, silver chain
Verge watch, No. 9623
12 Earrings and brooch, 2 shawls, and child's dress
14 Lever watch, No. 666, 1/2 suit of clothes
Verge watch, No. 7740
15 Bundle of wearing apparel
22 Bundle of clothes
24 2 dresses, shawl, vest, &c.
Also a number of bundles, of five shillings and under.
Terms, cash.

Lithographic Printing Machine.

BOWDEN and **THRELKELD** will sell by
 auction, at the City Mart, 211, George-street,
 THIS DAY, Friday, the 9th instant, at 11 o'clock,
 1 lithographic printing machine
 1 case school slates.
 Terms at sale.

Richmond River Cedar.
 Cargo of the Margaret and Mary.
BOWDEN and **THRELKELD** will sell by

B auction, on Korff's Wharf, foot of Market-street, THIS DAY, the 9th instant, at 11 o'clock precisely, The entire cargo of the Margaret and Mary, from the Richmond River, comprising about
40,000 feet—a prime lot.
Terms at sale.

Mr. T. J. Fisher's Law and Miscellaneous Library.
Unreserved Sale.
To take place on WEDNESDAY, the 14th instant, instead of Tuesday, the 13th, as previously advertised; altered by consent.

BOWDEN and THRELKELD have received instructions to sell by auction, at the City Mart, 211, George-street, on **WEDNESDAY**, the 14th February, at 12 o'clock,

Mr. T. J. Fisher's Law and Miscellaneous Library, including a choice collection of beautifully bound Italian Poets, Dramatists and Novelists, ancient and modern; complete sets of Votes and Proceedings of Legislative Councils, &c. Also, a copying machine.

Terms at sale.

THURNEY LODGE, NEWTOWN,
IMMENSE UNRESERVED SALE, on the Ground of that
PRINCIPALLY PROPERTY, opposite the SYDNEY and PARLA-
MATA RAILWAY, PASSENGER STATION HOUSE, near
the Junction of the NEWTOWN and COOK'S RIVER ROAD,
with Frontages to the Railway Line, opposite KINGSTON.

BOWDEN and THRELKELD have re-
ceived instructions to sell by auction, on the

Ground, on MCNDAY, the 12th February, at noon precisely. The whole of those valuable allotments at Thornbury Lodge, divided into convenient building sites, having frontages to the Great Western and Parramatta Railway Line opposite Kingston, and to the Enmore Road, opposite J. F. Josephson, Esq., and Mrs. W. H. Kelly's premises, adjoining the residence of T. C. Brettell, Esq. The most magnificent property, and one of the very best, part of Newtown, almost surrounded by the Railway Passenger Station, between Sydney and Ashfield, is, without exception, one of the most important and valuable properties now in the market.

It is divided into three sections, and sub-divided into seven

building sites, suitable for all classes of purchasers.

Section 11.—Lots 1 to 12 have each frontages of 30 feet to the Fyneway and Parramatta Railways Line, directly opposite the New South Wales Station, by a depth of 100 feet.

Section 11.—Lots 1 to 7 have double frontages to Wilford and Frederick-streets.

Section 11.—Lots 1 to 10 have frontages of 30 feet each to the Enmore Road, opposite J. F. Josephson, Esq.'s; lots 11 to 12 have same frontages to Railway-street, immediately facing the Water Reserve; lots 17 to 26 front Wilford-street, with back frontages to a side street.

Other frontages must be obvious to all from the plan.

the fact of its being within so short a distance of the metropolis, and surrounded by those important districts Newtown, O'Connell Town, and Camperdown, and being the site of the Railway Passenger Station.

It is a well-known fact that all properties so favourably situated as this is have, even in England, advanced in price three hundred-fold, immediately upon the opening of the railway. To capitalists there is, therefore, at present, an opportunity for safe investment which should not be lost sight of. It is only reasonable to infer that, as soon as the railway is once opened every inch of land in this locality will be taken up.

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*. * The Newtown and Cook's River omnibuses pass and repeat near this property daily, bringing it at once within easy access of the city. A large plan may be seen and lithographs obtained by applying at the office of the auctioneers.

Bear in mind, the sale will be unreserved.
Terms, liberal. Title, good.

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